

1 MICHAEL C. ORMSBY
2 United States Attorney
3 Eastern District of Washington
4 Stephanie J. Lister
5 Assistant United States Attorney
6 Post Office Box 1494
7 Spokane, WA 99210-1494
8 Telephone: (509) 353-2767

9
10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 DAN WAYNE STREETMAN,

17 Defendant.

Case No. 2:16-CR-00078-RMP

United States' Sentencing
Memorandum, Including Witness and
Exhibit List

18 Plaintiff, United States of America, by and through Michael C. Ormsby, United
19 States Attorney, for the Eastern District of Washington, and Stephanie J. Lister,
20 Assistant United States Attorney for the Eastern District of Washington, submits the
21 following Sentencing Memorandum, which includes a list of witnesses and summary
22 of exhibits. (ECF 63).

23 **I. INTRODUCTION**

24 Defendant, Dan Wayne Streetman, has plead guilty to Counts 1, 2 and 3 of the
25 Indictment, filed on May 3, 2016, charging him with Production of Child
26 Pornography, in violation of 18 U.S.C. § 2251(a). (ECF 55). He is scheduled to be
27 sentenced on March 23, 2017, in Spokane, WA. (ECF 63). The U.S. Probation
28 Office has filed a Draft Presentence Investigative Report (PSR). (ECF 59). The
United States has filed a Notice of Review of the PSR (ECF 62). The United States

1 has recently filed a Motion to Continue sentencing briefly due to the unavailability of
2 a witness for sentencing.

3 II. WITNESSES AT SENTENCING

4 The United States intends to call two witnesses at sentencing; FBI Special Agent
5 McEuen and the mother of Victim C. The United States anticipates their testimony
6 will take approximately two hours.

- 7 1. Special Agent McEuen will provide a brief factual summary of the investigation
8 of this case, including statements made by victims, their families and the
9 Defendant. SA McEuen will also testify as to his review of both the video and
10 photographic child pornography images Defendant both produced and
11 collected. Agent McEuen has prepared several exhibits based on the meta data
12 from the child pornography images Defendant produced that indicate the dates
13 of sexual exploitation and victimization of minors by the Defendant. While the
14 Defendant produced hundreds of child pornography images of victims A, B,
15 and C, in total he possessed over 1,000 child pornography images. Agent
16 McEuen will testify based upon his review of the videos and images Defendant
17 produced of Victims A, B, and C, the types of sexual acts Defendant engaged in
18 with the minor victims included oral copulation, masturbation and anal sex. He
19 will also provide information as to how long Defendant has been collecting
20 child pornography images and what “types” of images Defendant maintained in
21 his child pornography collection. He will also provide testimony regarding the
22 “grooming” Defendant engaged in to gain the trust of his minor victims, so that
23 he could later sexually molest them and/or take pornographic images of them.
- 24 2. The Mother of Victim C will testify as to the impact Defendant’s crimes have
25 had on her son, Victim C. She will testify Victim C has trust issues, is anti-
26 social and doesn’t like to be around children. She will describe how his
27 demeanor has changed since he was molested by the Defendant, the therapy he
28 has undergone and the medications he now has to take. She will testify her

1 other son was also molested by the Defendant and her other son is the person
2 who told on the Defendant. According to the mother of Victim C, Victim C
3 didn't tell because he was afraid for his safety. Victim C's brother has been
4 through one year of counseling, has anger issues and feels guilty about what
5 happened to his brother, Victim C.

6 **III. EXHIBITS AT SENTENCING**

7 The United States has an exhibit book containing eleven (11) pages of exhibits,
8 including the cover page. This exhibit book contains photographs of Minors A, B and
9 C and also contains five (5) images of child pornography. It also includes information
10 as to the ages of Victims A, B and C at the time of their abuse and the dates Defendant
11 victimized the victims and child pornography images were produced of them. The
12 United States does not intend to introduce at sentencing the videos or hundreds of
13 child pornography images Defendant produced, or the 1,000 plus child pornography
14 images Defendant collected. Rather, the United States has selected a minimal amount
15 of images to provide this Court sufficient information for consideration of the nature
16 and circumstances of Defendant's crimes.

17 The United States has advised defense counsel this exhibit book is available for
18 review and anticipates defense counsel will review these exhibits on Monday,
19 February 27, 2017. After review by defense counsel, the United States anticipates
20 requesting instruction from the Court as to how this Court wants the exhibits to be
21 provided to the Court. The United States cannot file with the Court these exhibits as
22 they contain contraband, but certainly can provide this exhibit book to this Court
23 before sentencing, per any instructions this Court may have on this issue.

24 **IV. SENTENCING CALCULATIONS**

25 Defendant has 0 criminal history points, establishing a criminal history category of
26 I. (PSR ¶ 68). Based upon Defendant's total adjusted offense level of 43 and a
27 criminal history category of I, Defendant's sentencing guideline range is life,
28 however, the statutorily authorized maximum sentences are less than the maximum of

1 the applicable guideline range; therefore, the guideline range is 1080 months (90
2 years). (PSR ¶ 95). The statutory period of imprisonment for Production of Child
3 Pornography must be not less than 15 years or more than 30 years' imprisonment per
4 count. (PSR ¶ 94).

5 As to supervised release, the statutory period of supervised release is 5 years to life
6 per count and the guideline requirement for a term of supervised release is 5 years to
7 life per count. (PSR ¶ 96-97).

8 **V. SENTENCING FACTORS PURSUANT TO 18 U.S.C. § 3553**

9 In determining the appropriate sentence, this Court should consider the factors
10 as set forth in 18 U.S.C. § 3553(a).

11 **A. The Nature and Circumstances of the Offense**

12 The circumstances of the offense involve Defendant's production of
13 pornographic images and videos of children and his collection of child pornography.
14 Two of the counts of Production of Child Pornography (Counts Two and Three)
15 involve sexual contact with and sex acts upon young children, Victims B and C, and
16 photographic documentation of those abuses. Additionally, Defendant was in a
17 position of trust reference to at least two of the victims in this case.

18 Defendant Streetman has a history of pedophilia dating back more than 20
19 years. (PSR ¶ 20). He molested his sister for eight years, his brother for seven years,
20 and friends of his brother on various occasions during childhood. (PSR ¶ 20). He
21 attended treatment for his pedophilia, and he stated that he had gone nearly 20 years
22 without molesting a child. (PSR ¶ 20). However, when he suddenly had the trust of
23 parents and access to children he took the opportunity to prey on vulnerable boys in
24 his care.

1 During the winter of 2010, Defendant had access to his great nephew Victim A
2 (DOB 8/17/2003, age 8)¹. (PSR ¶ 16). Defendant was permitted to babysit Victim A,
3 and when his mother arrived to pick him up she was unable to find him. (PSR ¶ 16).
4 She knocked on Defendant's locked bedroom door, and he answered the door
5 shirtless, as Victim A was observed to be in the room. (PSR ¶ 16). They both
6 indicated they were just watching a movie, never explaining why the door needed to
7 be locked. (PSR ¶ 16).

8 In the spring of 2011, the Defendant tried to give Victim A a shower, but
9 Victim A's grandmother stopped the Defendant, explaining to him that it was
10 inappropriate to bathe a boy who was old enough to do this activity by himself. (PSR
11 ¶ 17). Later in 2011, Defendant manipulated his mother into bringing Victim A into
12 the Defendant's store so the Defendant could spend time with him against Victim A's
13 mother's wishes. (PSR ¶ 19). The metadata from Defendant's devices confirmed the
14 victimization of Victim A and the production of child pornography involving Victim
15 A on August 25, 2011 from 5:34 AM to 9:40 PM, a period of 16 hours.

16 Defendant has three nephews including Victim C (DOB 8/24/2004, age 9
17 through 10) and two other boys, age 10 and age 8. (PSR ¶ 8). He regularly babysat
18 the boys, and he was entrusted with their well-being. In late 2013, Victim C
19 developed some behavioral issues, and Defendant offered up his residence as a stable
20 environment for the child. (PSR ¶ 8). Defendant shared a bedroom with Victim C.
21 (PSR ¶ 8). While Victim C was living with Defendant, Defendant engaged him in
22 sexual acts. (PSR ¶ 9). Defendant admitted that he sexually molested Victim C, to
23 include touching, fingering his anus, and performing and receiving oral sex on and
24 from him. (PSR ¶ 14). The sexual encounters between Defendant and Victim C

25
26 ¹ The ages of the victims are annotated to indicate the age of each victim at the time
27 the offense(s) occurred. The dates of birth are indicated in the same parenthetical to
28 assist the Court in determining the children's current ages.

1 occurred hundreds of times, and Defendant took photographs of these sexual acts and
2 stored them on his computer for his own sexual gratification. (PSR ¶ 9). The
3 metadata from Defendant's devices confirms 35 separate incidences in which
4 Defendant victimized Victim C and produced sexually explicit images of Victim C.

5 Victim C would at times have friends come and visit him while living with
6 Defendant, including Victim B (DOB 8/15/1999, age 14), an autistic boy with the
7 mental functioning of an 8-year-old. (PSR ¶ 10). Defendant orally copulated Victim
8 B, took photographs, and stored the images on his computer for his own sexual
9 gratification. (PSR ¶ 10). The metadata from Defendant's devices confirmed that the
10 victimization of Victim B and the production of child pornography involving Victim
11 B occurred on June, 28, 2014 and September, 27, 2014. At sentencing the United
12 States will provide samples of the sexually explicit images of the victims produced by
13 the Defendant in this case.

14 It is important to note that Defendant's acts were not confined to the Eastern
15 District of Washington. Defendant and Victim C travelled to Missouri to visit family,
16 and though they did not stay in the same house during the visit, Defendant was
17 entrusted with the care of Victim C and his two other nephews as their babysitter for
18 six days. (PSR ¶ 11). He also took the children on a camping trip. (PSR ¶ 11).
19 While babysitting the boys and during the camping trip, Defendant molested Victim C
20 and attempted to molest his 10-year-old nephew. (PSR ¶ 11). He captured multiple
21 sexually explicit images of the all three children. (PSR ¶ 11).

22 Other monsters may be make believe, but the Defendant is a real life bogeyman.
23 He preyed on his own family by manipulating the boys' parents into believing he
24 could be trusted to babysit his nephews and other boys in the neighborhood. He
25 groomed the boys into trusting him and encouraged them to run around the house or
26 campground naked while he photographed and molested them. (PSR ¶ 11, 12). The
27 trauma associated with his actions cannot be overstated. The damage caused by
28 Defendant to the victims, by his sexual exploitation of them and breach of their trust,

1 is immeasurable. Unfortunately, the victims yet to provide any victim impact
2 statements. (PSR ¶ 26). However, the mother of Victim C has recently agreed to
3 testify at sentencing.

4 The victims in this case deserve to be treated as the unique individuals they are.
5 Thus, the United States contends Defendant, Streetman, should receive not only
6 separate sentences for each count of Production of Child Pornography, for each of the
7 three individual children (Victims A, B and C), but also that these sentences reflect
8 what he did to each minor and that they should be ordered to be imposed
9 consecutively. Thus, given the nature of the sexual abuse to Victim C and the at least
10 35 instances of abuse, the United States will be recommending the maximum sentence
11 of imprisonment of 30 years. As to Victim B, given the nature of the sexual abuse and
12 the at two (2) instances of abuse in addition to the production of images, the United
13 States will be recommending a sentence of 20 years. As to Victim A, while the
14 United States has evidence that Defendant produced child pornography of Victim A,
15 we do not have evidence that Defendant had “hands on contact” with Victim A, the
16 United States will be recommending a minimum sentence of 15 years. The United
17 States will be respectfully requesting that the sentences be served consecutively, for a
18 total term of imprisonment of 65 years, with a life term of supervised release.

19 Individuals, like Defendant Streetman, who engage in the sexual exploitation of
20 one child deserve to serve a significant sentence of imprisonment prison, and
21 individuals, like Defendant, who engage in the sexual exploitation and production of
22 child pornography images of multiple children over the span of several years and
23 possess over 1,000 images of child pornography deserve substantial sentences of
24 imprisonment, including consecutive statutory maximum sentences.

25 **A. History and Characteristics of the Defendant**

26 Defendant reported he had worked as a truck driver from 2001 to 2006. After 1
27 year of unemployment, he was hired as a school bus driver with Durham School
28 Services in Spokane, Washington. (PSR ¶ 88). Defendant was employed in this

1 position from August 22, 2008, to September 1, 2015. (PSR ¶ 88). In addition, he
2 regularly babysat his nephews and had access to their friends. (PSR ¶ 10, 11, 12, 16).
3 Defendant had repeated and consistent access to children. When the opportunity
4 presented itself, he deliberately chose to sexually assault young boys and then
5 photograph that abuse.

6 While Streetman has no criminal history, he has been collecting child
7 pornography, including images of newborn baby boys and toddlers, and sexually
8 exploiting young boys for at least four years. He has been collecting hundreds of
9 images from at least August of 2011 to September of 2015; therefore, he is certainly
10 not a first-time offender. (PSR ¶ 64).

11 **B. The Need for the Sentence Imposed to Reflect the Seriousness of the**
12 **Offense, Promote Respect for the Law and Provide a Just Sentence**

13 The gravity of Defendant's crimes against children, particularly given the
14 number and age of the victims, the number of years Defendant engaged in his sexual
15 exploitation of the victims, the fact he was related to two of the boys that he exploited,
16 and the abuse of trust that permitted Defendant access to the children, cannot be
17 overstated.

18 What is important in sentencing is the seriousness of Streetman's particular
19 crimes, which as stated above, are extremely horrific. He should be punished for the
20 offenses that he committed and the attendant relevant conduct associated with them.
21 His conduct included, molesting and exploiting three young boys while those boys'
22 parents believed they were safe with an adult they trusted. He also produced and
23 collected hundreds of the images and videos of his sexual molestation of these
24 children. In addition, he collected over a thousand images of child pornography and
25 videos. Defendant's offenses are of a most serious nature, and a substantial sentence
26 will provide just punishment and promote respect for the law.
27
28

1 **C. The Need for the Sentence Imposed to Afford Adequate Deterrence**

2 Because of Streetman's horrific conduct, a strong message needs to be sent to
3 the community that if a person sexually assaults and produces images of that sexual
4 assault of numerous minors, you will be sentenced to a substantial terms of
5 imprisonment. A harsh sentence is reasonable taking into consideration his conduct
6 and the risk he poses to children.

7 **D. The Need for the Sentence Imposed to Protect the Public from Further
8 Crimes of the Defendant**

9 The Defendant's actions reflect both his sexual interest in young children and
10 his willingness to victimize such children to quench his own desires. Based upon his
11 conduct, if the Defendant is ever released from prison it is highly likely that he will
12 molest another young boy. As has been detailed, Defendant's crimes are terribly
13 serious and as the mother of Victim C will testify, have had a significant and lasting
14 impact on his many victims.

15 Given Defendant's conduct and risk to reoffend the United States believes only
16 by imposition of a substantial sentence can the Court adequately protect the public
17 from the monstrous conduct of Defendant Streetman. It is clear that this Defendant
18 must be removed from society for as long as possible to protect the most vulnerable
19 members of our society, our children.

20 **VI. GOVERNMENT'S SENTENCING RECOMMENDATION**

21 Defendant agreed to plead guilty to Counts 1,2, and 3 of the Indictment filed on
22 May 3, 2016, charging Defendant with Productions of Child Pornography, in violation
23 of 18 U.S.C. § 2251(a). The maximum statutory penalty as to each count for
24 Production of Child Pornography, in violation 18 U.S.C. § 2251(a), is not less than 15
25 years nor more than 30 years' imprisonment; a fine not to exceed \$250,000; a term of
26 supervised release of up to life; restitution; a Special Assessment of \$100 (each
27 count); and registration as a sex offender. (ECF 58).
28

1 The victims in this case deserve to be treated as the unique individuals they are.
2 Thus, the United States contends Defendant, Streetman, should receive not only
3 separate sentences for each count of Production of Child Pornography, for each of the
4 three individual children (Victims A, B and C), but also that these sentences reflect
5 what he did to each minor and that they should be ordered to be imposed
6 consecutively. Thus, given the nature of the sexual abuse to Victim C and the at 35
7 instances of abuse, the United States will be recommending the maximum sentence of
8 30 years. As to Victim B, given the nature of the sexual abuse and the at two (2)
9 instances of abuse in addition to the production of images, the United States will be
10 recommending a sentence of 20 years. As to Victim A, while the United States has
11 evidence that Defendant produced child pornography of Victim A, we do not have
12 evidence that Defendant had “hands on contact” with Victim A, the United States will
13 be recommending a minimum sentence of 15 years. The United States will be
14 respectfully requesting that the sentences be served consecutively, for a total term of
15 imprisonment of 65 years, with a life term of supervised release.

16 Individuals, like Defendant Streetman, who engage in the sexual exploitation of
17 one child deserve to serve a significant sentence of imprisonment prison, and
18 individuals, like Defendant, who engage in the sexual exploitation and production of
19 child pornography images of multiple children over the span of several years and
20 possess over 1,000 images of child pornography deserve substantial sentences of
21 imprisonment, including consecutive statutory maximum sentences.

22 Consecutive statutory terms of imprisonment for possession and production of
23 child pornography have been affirmed by the Ninth Circuit. In *United States v.*
24 *Thurman*, the defendant received a 120-year consecutive sentence for four counts of
25 production of material involving the sexual exploitation of minors and of aiding and
26 abetting such production, in violation of 18 U.S.C.S. § 2251(d)(1)-(2). *United States v.*
27 *Thurman*, 494 F. App'x 828 (9th Cir. 2012); *See also United States v. Shouse*, 755
28

1 F.3d 1104 (9th Cir. 2014) (The Ninth Circuit affirmed the district court's decision to
2 run a federal sentence consecutively to the defendant's undischarged state sentence).

3 Other circuits have also affirmed such consecutive terms of imprisonment. The
4 Second Circuit affirmed a district court's decision to impose upon a defendant three
5 consecutive sentences for three counts of production of child pornography and two
6 concurrent sentences for two counts of possession of child pornography for a total
7 sentence of 60 years. *United States v. Brown*, 843 F.3d 74 (2d Cir. 2016). The Fourth
8 Circuit affirmed a 120-year consecutive term of imprisonment for the production,
9 possession, and transportation of child pornography in violation of 2251(a), and the
10 court found that the term of imprisonment was proportionate and constitutional under
11 the Eighth Amendment. *United States v. Cobler*, 748 F.3d 570 (4th Cir. 2014).

12 Additionally, the Government recommends this court order Defendant to serve
13 a life term of supervised release. Defendant committed his offenses on particularly
14 vulnerable children, as they were often alone without another adult available. Given
15 Defendant's demonstrated willingness to prey on victims in vulnerable states, the
16 United States contends he should be under the supervision of a United States
17 Probation Officer for the rest of his life.

18 VII. CONCLUSION

19 Defendant is a monster that needs to be imprisoned for the rest of his life.
20 Defendant repeatedly victimized three vulnerable children for prolonged periods of
21 time. Not only did Defendant produce sexually explicit images of the boys, he
22 engaged in "hands on" molestation and through the abuse of a position of trust as a
23 relative. Based on the horrific facts in this case, sentences for Defendant's three
24 counts of Production of Child Pornography should be served consecutively, for a total
25 term of imprisonment of 65 years, followed by life term of supervised release. Such
26
27
28

1 as sentence is warranted under the guidelines, and the factors set forth in 18 U.S.C. §
2 3553.

3 Dated: February 23, 2017.

4 MICHAEL C. ORSMBY
5 United States Attorney

6 s/ Stephanie J. Lister
7 Stephanie J. Lister
8 Assistant United States Attorney
9

10 I hereby certify that on February 23, 2017, I electronically filed the foregoing
11 with the Clerk of the Court using the CM/ECF System which will send notification
12 of such filing to the following:
13

14 Matthew Campbell
15 Federal Defenders
16 10 North Post, Suite 700
Spokane, WA 99201

17 s/ Stephanie J. Lister
18 Stephanie J. Lister
19
20
21
22
23
24
25
26
27
28